IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
CRIMINAL APPLICATION NO.1776 OF 2005

Mohammed Halim Istrain Khan ...Applicant.

V/s

The State of Maharashtra ...Respondents.

Mr. D.H. Kumthekar for the applicant.
Mr. A.M. Shringarpure, APP for the State.

CORAM: V.M.KANADE,J.

DATE : 4th April 2005

P.C.

1. Heard the learned Counsel for the applicant and the learned APP for the State.

2. Applicant is convicted under section 366 and 376 of the Indian Penal Code and sentenced to suffer R.I. for seven years and also to pay fine of Rs 500/- on each count. Applicant was on bail during trial.

3. Prosecution case is that the applicant forcibly took away the prosecutrix and had intercourse with her on 2/3 occasions and kept her at his native place.

4. The learned Counsel for the applicant submits that no medical evidence has been brought on record to indicate that the prosecutrix was raped on 2/3

occasions. Except her sole testimony, there is no other evidence to indicate that the prosecutrix was raped by the applicant. Moreover, the applicant was on bail during trial.

5. In my view, prima facie case is made out for grant of bail. Applicant be released on bail in the sum of Rs 5000/- with one or two sureties in the like amount.

V.M. KANADE, J.